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DATED JUNE 11, 2014, and JOHN E. ABDO,
18 as Trustee of the JOHN E. ABDO TRUST
DATED MARCH 15, 1976

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28 16814.001 4848-7991-1094.1

JOINT STIPULATION AND [PROPOSED] ORDER CONTINUING ALL DEADLINES
Case Nos. 17-cv-00851-TSH; 17-cv-01232-TSH

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PETERS, and SOUHEIL S. BADRAN

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RISING TIDE I, LLC; RISING TIDE II, LLC,

Plaintiffs,

v.

MICHAEL FITZSIMMONS; PETER LAI;
CHRIS G. POWER; PETER J. GOETTNER;
CHRISTIAN BORCHER; ERNEST D. DEL;
MARC S. YI; JAMES C. PETERS; AND
SOUHEIL S. BADRAN,

Defendants.

JOHN E. ABDO, as Trustee of the JOHN E.
ABDO TRUST DATED JUNE 11, 2014, and
JOHN E. ABDO, as Trustee of the JOHN E.
ABDO TRUST DATED MARCH 15, 1976,

Plaintiffs,

v.

MICHAEL FITZSIMMONS; PETER LAI;
CHRIS G. POWER; PETER J. GOETTNER;
CHRISTIAN BORCHER; ERNEST D. DEL;
MARC S. YI; JAMES C. PETERS; AND
SOUHEIL S. BADRAN,

Defendants.

Case No. 17-cv-00851-TSH
Case No. 17-cv-01232-TSH

JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER
CONTINUING ALL DEADLINES

Trial Date: August 31, 2020

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2 Pursuant to Fed. R. Civ. P. 6(b)(1) and Civil L.R. 6-1, 6-2, and 7-12, the parties
3 (“Parties”) in related case numbers 17-cv-00851-TSH and 17-cv-01232-TSH hereby submit, for
4 the Court’s consideration and approval, this Joint Stipulation and Order Continuing Certain
5 Deadlines as follows:

6 WHEREAS, the deadline for disclosure of expert witnesses is March 16, 2020;

7 WHEREAS, due to a ransomware attack on the vendor that hosts both Plaintiffs’ case
8 documents, Plaintiffs have been unable to use their document management platform to access
9 documents and materials needed for their expert reports;

10 WHEREAS, the vendor has estimated that restoring access to Plaintiffs’ documents and
11 materials could take up to two weeks from March 4, 2020;

12 WHEREAS, while the vendor is working to restore Plaintiffs’ access, Plaintiffs are
13 working diligently to find alternative means to access the documents and materials needed for its
14 expert reports;

15 WHEREAS, due to the aforementioned circumstances and given the additional time
16 needed to complete expert disclosures, the Parties agree and stipulate to a three-week extension
17 for the deadline for expert disclosures;

18 WHEREAS, to ensure the full and complete presentation of all relevant issues to this
19 Court, the Parties understand that a three-week extension of expert disclosures would also
20 require a continuance of all other deadlines, including the trial date, and the Parties agree and
21 stipulate to continue trial and all associated deadlines by approximately three weeks;

22 WHEREAS, the Parties have agreed on the schedule below and respectfully request that
23 the schedule be adjusted as follows or as deemed appropriate by the Court:

Event	Current Deadline	Revised Deadline
Disclosure of Expert Witnesses	03/16/2020	04/06/2020
Disclosure of Rebuttal Expert Witnesses	04/02/2020	04/23/2020
Close of Expert Discovery	04/20/2020	05/11/2020
Deadline to file Dispositive Motions	05/01/2020	06/01/2020
Deadline to file Opposition to Dispositive Motions	05/15/2020	06/19/2020
Deadline to file Reply to Dispositive Motions	05/29/2020	07/07/2020
Hearing on Dispositive Motions	06/18/2020	07/30/2020 or 08/06/2020
Jury Trial	08/31/2020	09/28/2020

WHEREAS, in case number 17-cv-00851-TSH, the Parties have previously stipulated to and requested the Court issue an order extending the motion to dismiss briefing deadlines and hearing dates, the date for the Initial Case Management Conference, and trial in this action (Dkts. 12, 17, 27, 38, 60, 100, 107, 115, 138, 141, and 143), and this Court granted those stipulated requests (Dkts. 13, 18, 28, 39, 61, 103, 108, 116, 139, 142, and 144).

WHEREAS, in case number 17-cv-01232-TSH, the Parties have previously stipulated to and requested the Court issue an order extending the motion to dismiss briefing deadlines and hearing dates, the date for the Initial Case Management Conference, and trial in this action (Dkts. 11, 17, 34, 50, 65, 77, 82, 92, 97, 109, 132, 141 and 144), and this Court granted those stipulated requests (Dkts. 12, 18, 35, 52, 66, 78, 85, 93, 98, 110, 133, 142 and 145).

THEREFOR, subject to the Court's approval, the Parties hereby stipulate to an Order by the Court continuing the deadlines as denoted above.¹

¹ In accordance with N.D. Cal. L. R. 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatories.

1 DATED: March 6, 2020

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11 ABDO TRUST DATED JUNE 11, 2014, and
12 JOHN E. ABDO, as Trustee of the JOHN E.
13 ABDO TRUST DATED MARCH 15, 1976

11 DATED: March 6, 2020

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15 Stan Roman
16 Philip Miller

17 Attorneys for Plaintiffs
18 RISING TIDE I, LLC; RISING TIDE II, LLC

18 DATED: March 6, 2020

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25 ABDO TRUST DATED MARCH 15, 1976

1 DATED: March 6, 2020

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7 CHRISTOPHER G. POWER, PETER J.

GOETTNER, CHRISTIAN BORCHER,

8 ERNEST D. DEL, MARC S. YI, JAMES C.

9 PETERS and SOUHEIL S. BADRAN

~~PROPOSED~~ ORDER

The Court, having reviewed the Parties' Joint Stipulation and [Proposed] Order
Continuing all Deadlines, orders as follows:

Event	Current Deadline	Revised Deadline
Disclosure of Expert Witnesses	03/16/2020	04/06/2020
Disclosure of Rebuttal Expert Witnesses	04/02/2020	04/23/2020
Close of Expert Discovery	04/20/2020	05/11/2020
Deadline to file Dispositive Motions	05/01/2020	06/01/2020
Deadline to file Opposition to Dispositive Motions	05/15/2020	06/19/2020
Deadline to file Reply to Dispositive Motions	05/29/2020	07/07/2020
Hearing on Dispositive Motions	06/18/2020	07/30/2020 or 08/06/2020
Jury Trial	08/31/2020	09/28/2020

IT IS SO ORDERED.

Dated: March 9, 2020



THOMAS S. HIXSON
UNITED STATES MAGISTRATE JUDGE